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1 US PCT 1454 - 10/560,249 (DI20090227)
Not only a scheme

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**Application 10/560,249 filed on 02/27/2006
Name of applicant : Goulven VERNOIS
Title of invention : System for data collection and distribution**

To : Mr Winston M. ALVARADO - Art Unit 2186

Via fax 571 273 8300

Objet : Not only a scheme

3 sheets with this

Goulven VERNOIS

Dear Sir,

The Russian agency with who I work thinks that the Russian Examiner can object that my description is not a construction and engineering solution, but only a scheme.

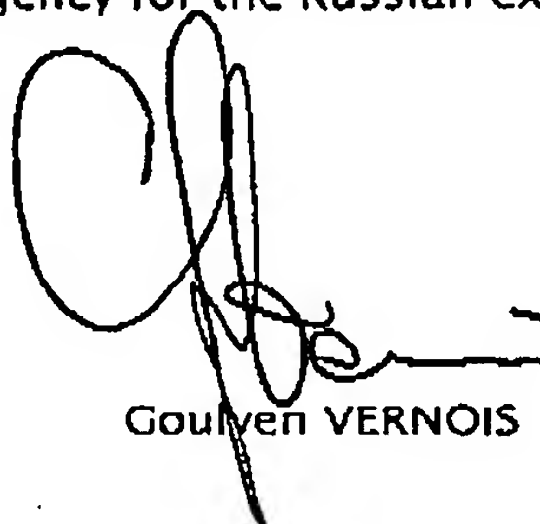
I think that this is fundamentally inaccurate and would point out a misinterpretation of an invention description under the law.

Unfortunately, in most description there are more obvious things for ones competent in the art, than original things, even though the description is written (I think!) for ones competent. There is probably that the agencies want justify their remunerations...

This is particularly true for invention which are use of former art in a new device.

To accelerate the USPTO procedure question/reply whose I know that it is often very long, especially when the Office Action goes from Washington to France via Auckland (yes, yes...ask for to Ms Cassandra Spirou, Art Unit 2872), I anticipate a similar objection, and I give to you the text given to this Russian agency for the Russian examiner.

Best regards



Goulven VERNOIS

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**AUTONOMOUS MACHINE FOR DATA COLLECTION AND DISTRIBUTION
TRUE CONSTRUCTION AND ENGINEERING SOLUTION
NOT AN ONLY SCHEME**

A - What is a good patent description ?

The law stipulates that a good patent description must allow to ones competent in the arts used in the description to make the technical thing which is the realization of the invention.

Of course, the number of pages of the description does not is a criterion of good patent description !

The reading of the most patents descriptions shows unfortunately that the bigger part of the description is relative to obvious means coming under previous art and under ones competent in these previous arts as soon as the original description in few lines is done. Of course, what is the invention is truly specified in the claims, but if that does not appear in the description for one competent in the art, there is a very big problem !

But this *de facto* situation does not must to do forget the law.

If for one non competent in the particular art of the invention (the Examiner ?) it is necessary to read several pages of description for make the thing which is the invention, for one competent in this particular art, the few key lines will be sufficient to make perfectly the thing which is the invention.

For technicians of firms as Audible Magic or Gracenote, after simple view of the figure and reading of a few lines, it is immediate to dispose their fingerprint technique in the collecting and distributing machine, because they have already dispose them in other equivalent machines, for example machines to listen songs and musics in Radio or TV programme, or in peer to peer internet sites.

So, for these technicians, the most part of the several pages of the description would be former art if I had described means obvious for thare inventions which are in the exact and detailed means to obtain a particular result, and there are invention which are in the use of an old art in a new context.

For example, an improved corkscrew or an improved can-opener, must go into detail to show what is the difference with the thousands of corkscrews or can-openers of the former art. (A very remarkable exception for corkscrews is the device with two blades which slip between the cork and the bottle; do you know ?...)

Indeed, a new use of a technique does not is an improvement of this technique, but is a very good criterion of a true invention.

B - What is the heart of my invention ?

IT IS OF COURSE the use of fingerprints to do credible and also lawful the AUTONOMOUS MACHINE FOR DATA COLLECTION AND DISTRIBUTION.

Indeed, if for Audible Magic or Gracenote, who search markets for their technics, the use of these technics in a Collector Distributor Machine had been obvious, they would have done a description and take a patent before me !

The use of fingerprints for this goal was not obvious for technicians of Audible Magic or Gracenote, but the intégration of these technics in the machine is of course obvious for these technicians.

The items 12 and 12a, means of analysis of the data to be written on the mass memory 6, are necessary and basic means of the fingerprint technics, and describe the functioning of these means should be describe former art.

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Ditto for the items 12b and 12c.

These means are necessary basic means of fingerprint technics to recognise songs or musics in Radio or Tv emission, or in peer to peer internet sites.

For the technicians of Audible Magic or Gracenote, the integration of these basic means in the Autonomous Machine is obvious and immediate.

So, all more extensive description would be necessary former art.

IT IS TOO the use of hiring of capacity of the mass memory to solve the financial and legal connection between the Creator and the Autonomous Machine.

Of course, as I have already written, the hiring of mass memory capacity is a former technic, and the technical means for these technics exist in the Autonomous Machine.

C - Not a scheme but a construction and engineering solution

SO, WE CAN NOTICE THAT THE DESCRIPTION, WITH NECESSARY ITS FIGURE, IS NOT AN ONLY SCHEME BUT A TRUE CONSTRUCTION AND AN ENGINEERING SOLUTION UNDER THE LAW.

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